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**REMARKS**

Claims 40-79 are currently pending in the subject application and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

**I. Rejection of Claims 4, 19 and 31 Under 35 USC §112**

Claims 4, 19 and 31 stand rejected under 35 USC §112 for including claims which depend from claims which have been cancelled. However, claims 4, 19 and 31 have already been cancelled per the "Reply to Final Office Action Dated May 9, 2002." Further, this cancellation was implicitly acknowledged in the Examiner's response sent on September 4, 2002 where claims 4, 9 and 31 were listed as no longer pending in paragraph 1.

**II. Rejection of Claims 40, 42-50, 52-66, 69-70 and 72-79 Under 35 USC §102(b)**

Claims 40, 42-50, 52-66, 69-70, and 72-79 stand rejected under 35 USC §102(b) as being anticipated by Ogushi, *et al.* (US 6,385,497). It is respectfully submitted that this rejection should be withdrawn for at least the following reason. Ogushi, *et al.* does not teach or suggest each and every element of the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

**Claims 40, 42-49**

Independent claim 40 recites a component communicating status information *directly* to a first party. This limitation allows for localized direct communication of status information between two parties. In contrast, Ogushi, *et al.* does not teach or

suggest a *direct means* for first party to communicate with a second party. Rather, Ogushi, *et al.* teaches a second party at a *remote* location that communicates to a centralized maintenance management system that interfaces to a first party. For example, communicating from a component located at one site to a computer located at another site through a centralized server. This differs from the subject invention where there is no requirement for intermediate centralized maintenance management of data.

For the aforementioned reasons, it is submitted that Ogushi, *et al.* does not teach or suggest claim 50 or claims 52-58, which depend therefrom. Accordingly, withdrawal of this rejection and allowance of claims 50 and 52-58 is respectfully requested.

#### Claims 50, 52-58

Independent claim 50 recites a website communicating *via* the Internet *directly* to a plurality of factory components. This limitation allows for updating of data received from components to be performed more efficiently since an intermediate stage is not required to process data sent from components, as Ogushi *et al.* teaches.

Furthermore, Ogushi *et al.* does not teach or suggest a system whereby every factory component can have a different IP address, as claimed. In the Office Action dated March 24, 2003, the Examiner relies on col. 3, lines 29-57 to teach this limitation. However, each component having its own IP address is not mentioned in column 3, lines 29-57. Rather, this section is directed to receiving status information of factory components on a periodic basis. More particularly, there is no mention of allowing for each component to have a unique IP address.

For the above-mentioned reasons, it is submitted that Ogushi, *et al.* does not teach or suggest claim 50 or claims 52-58, which depend therefrom. Accordingly, withdrawal of this rejection and allowance of claims 50 and 52-58 is respectfully requested.

#### Claims 59-66

Independent claim 59, recites the use of IP addressing to locate each component within the customer site. In comparison, Ogushi, *et al.* mentions merely communicating to the components using a LAN at a customer site. However, Ogushi, *et al.* does not teach using IP addressing as a method for locating equipment within customer site.

Moreover, Ogushi *et al.* does not teach or suggest a method of communicating status information from a component *directly* to the server of the vendor. The Examiner relies on col. 4, lines 40-47 of Ogushi, *et al.* to teach this limitation. However, the status information disclosed in column 4, lines 40-47 contains only the model of the equipment in trouble, the serial number, the error code, and the trouble occurrence time. Ogushi, *et al.* does not mention location information (e.g. IP address) included in the status information, as claimed. Further, this section of Ogushi, *et al.* does not teach or suggest searching a database located on the server of a vendor for customer identification information and component location information and matching such information corresponding to the IP address included in the status information.

For the aforementioned reasons, it is submitted that Ogushi, *et al.* does not teach or suggest claim 59 or claims 60-66, which depend therefrom. Accordingly, withdrawal of this rejection and allowance of claims 59-66 is respectfully requested.

#### Claim 69

Ogushi, *et al.* does not teach or suggest a *direct* means to communicate with the vendor side component, as recited in claim 69. Rather, Ogushi, *et al.* teaches a remote location that communicates to a *centralized* maintenance management system that interfaces to the vendor side host computer. This is in contrast to the subject invention where each customer component will communicate *directly* to the vendor side host computer via the Internet using IP addressing. In the subject invention, there is no need for *intermediate centralized* maintenance management of the data as Ogushi, *et al.* teaches.

Moreover, Ogushi, *et al.* does not teach or suggest means for *matching* a factory automated component location and customer identification information with status information provided by the factory automated component, as required by claim 69. Ogushi, *et al.* describes receiving information about the equipment by a host computer on the vendor side and looking up maintenance information representing the operating state and the maintenance state “from computers in other departments of the vendor, e.g., computers in the manufacturing department and the department of development in addition to the department of maintenance. The maintenance information can be fed back

to the manufacturing department and the department of development” (col. 3, line 49 - col. 4, line 2).

Claim 69 also provides means for matching a factory automated component location and customer identification information with status information includes comparing the component information received against a database to recognize ways to improve system efficiency. Thus, looking up maintenance information from a plurality of sources, as described in Ogushi *et al.*, is not necessary.

Accordingly Ogushi, *et al.* does teach or suggest claim 69. Withdrawal of this rejection and allowance of claim 69 is respectfully requested.

#### Claims 70, 72-73

Ogushi, *et al.* does not disclose a factory automated component of claim 70 comprising a *network* interface that is coupled to the processor for *directly* transmitting and receiving data with at least one computer system. The Examiner relies on col. 3, lines 29-48 of Ogushi, *et al.* to teach this limitation. However, col. 3, lines 29-48 does not teach communication between computers that can occur *directly* utilizing a network interface. Rather, this section is directed to communication between computers *via* the *Internet* exclusively. However, communication between computers can occur in many different ways such as, for example, two computers connected to a LAN or WAN communicating independent of the Internet.

Accordingly, for the above-mentioned reasons Ogushi, *et al.* does not teach or suggest claims 70 and 72-73. Withdrawal of this rejection and allowance of claims 70 and 72-73 is respectfully requested.

#### Claims 74-78

Ogushi *et al.* does not teach or suggest a server configured to match component status information to customer information and component location information as recited in independent claim 74. Rather, Ogushi *et al.* teaches a host computer on the vendor side receiving information from a piece of equipment and looking up maintenance information from a plurality of computers at the vendor site. Ogushi *et al.* does not teach matching information. The system claimed in claim 74, matches received component

information against a database and is able to recognize any actions that can be taken to improve system efficiency. For example, as claimed in claim 75, the system can recognize whether product upgrades are available; and/or as claim in claim 78, the system can recognize whether maintenance should be scheduled or that there might be a safety issue or application solution that might be helpful to the customer.

Accordingly, Ogushi *et al.* does not teach or suggest claims 74-78. Withdrawal of this rejection and allowance of claims 74-78 are respectfully requested.

#### Claim 79

Independent claim 79 recites means for searching a database located on the server of the vendor for customer identification information and component location information corresponding to the status information of the at least one component. As discussed above, Ogushi *et al.* does not teach or suggest means for searching a database including comparing received component information with component information contained in the database. Instead, Ogushi *et al.* only describes employing a database to look up trouble information. Further, in Ogushi *et al.* the database only contains trouble information that has been reported in the past. If a machine has not reported trouble information in the past, the database is empty. In the present invention, searching the database will provide information such as whether product upgrades are available, whether maintenance should be scheduled, or that there might be a safety issue or application solution that might be helpful to the customer.

Accordingly, Ogushi *et al.* does not teach or suggest claim 79. Withdrawal of this rejection and allowance of claim 79 is respectfully requested.

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**III. Rejection of Claims 41, 51, 67-68 and 71 Under 35 USC §103(a)**

Claims 41, 51, 67-68 and 71 stand rejected under 35 USC §103(a) as being unpatentable over Ogushi, *et al.* (US 6,385,497) in view of Chamberlin, *et al.* (US 4,703,325). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Ogushi, *et al.* and Chamberlin, *et al.*, individually and in combination, do not teach or suggest all the claim limitations of the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j).

Claims 41, 51 and 71 depend from independent claims 40, 50 and 70 respectively and Chamberlin, *et al.* fails to make up for the aforementioned deficiencies of Ogushi, *et al.* This is with respect to monitoring the health of each industrial component on a periodic basis, using a direct means of communicating with the industrial component and assigning a unique IP address to each industrial component. For the above-mentioned reasons, it is submitted that neither Ogushi, *et al.* nor Chamberlin, *et al.* make obvious claims 41, 51 and 71. Accordingly, withdrawal of this rejection and allowance of claims 41, 51 and 71 is respectfully requested.

Regarding claims 67-68, neither Ogushi *et al.* nor Chamberlin *et al.* teach or suggest a status message including health information relating to the factory automation component, as defined in the specification of the application. Rather, both cited references are only directed to sending trouble information or error codes. Further, neither Ogushi *et al.* nor Chamberlin *et al.* teach or suggest the factory automation component having an IP address. Rather, IP addresses associated with each factory automation component are absent from both references. Accordingly, the combination of Ogushi *et al.* and Chamberlin *et al.* do not make obvious claim 67. Withdrawal of this

rejection and allowance of claim 67 and claim 68, which depends therefrom, are respectfully requested.

**IV. Conclusion**

The present application is believed to be in condition for allowance, in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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